

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA

CIVIL ACTION NO.: 1:17-cv-00854-TDS-LPA

REBECCA KOVALICH and )  
SUZANNE NAGELSKI, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
PREFERRED PAIN MANAGEMENT )  
& SPINE CARE, P.A., DR. DAVID )  
SPIVEY, individually, and SHERRY )  
SPIVEY, individually, )  
 )  
Defendants. )

**JOINT MOTION TO EXTEND TIME**  
**TO CONDUCT MEDIATION**

NOW COME Plaintiffs and Defendants (collectively referred to as “the Parties”), by and through their undersigned counsel of record, and move the Court, pursuant to Rule 16(b)(4) of the Federal Rules of Civil Procedure, to amend this Court’s December 4, 2017 Mediation Scheduling Order and extend the time for the parties to conduct mediation. The parties request that the mediation deadline be extended to August 1, 2018. In support of this Motion, the Parties show unto the Court as follows:

1. On November 30, 2017, the Parties filed their Joint Rule 26(f) Report [DE # 14], which was adopted by this Court via Text Order on December 1, 2017.
2. On December 4, 2017, this Court entered its Mediation Scheduling Order and set the deadline to conduct mediation for April 25, 2018.
3. The Parties have selected Ken Carlson to serve as mediator in this matter.

4. The Parties are still in the process of conducting discovery, including the scheduling of depositions and review of voluminous document productions, and thus additional time is needed to conduct mediation.

5. The Parties move to modify this Court's Mediation Scheduling Order to allow up to and including August 1, 2018, within which to conduct mediation.

6. The granting of this Motion will not affect or delay any deadlines in the Joint Rule 26(f) Report adopted by this Court.

7. The granting of this Motion will further the interests of judicial economy and conserve judicial resources.

WHEREFORE, Plaintiffs and Defendants, respectfully move this Court for an Order amending the Mediation Scheduling Order to allow the Parties up to and including August 1, 2018, within which to conduct mediation.

Respectfully submitted this the 25<sup>th</sup> day of April, 2018.

VAN KAMPEN LAW P.C.

JACKSON LEWIS P.C.

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**CERTIFICATE OF  
SERVICE**

The undersigned certifies that on April 25, 2018, the foregoing *Joint Motion to Extend Time to Conduct Mediation* was electronically filed with the Clerk of the Court, using the Court's CM/ECF electronic service system, which will send notification of such filing as follows:

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